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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 NEW CARE DEVELOPMENT, LLC, *et*  
9 *al.*,

10 Plaintiffs,

11 v.

12 FIRST MERCURY INSURANCE  
13 COMPANY,

14 Defendant.

Case No. C19-0004RSL


ORDER TO SHOW CAUSE

15 This matter comes before the Court *sua sponte*. On January 2, 2019, defendant  
16 removed this matter from state court alleging that this Court has diversity jurisdiction.  
17 Pursuant to 28 U.S.C. § 1446(b), a notice of removal must be filed within thirty days of  
18 receipt by defendant “of a copy of the initial pleading setting forth the claim for relief . . .  
19 .” The notice of removal states that defendant was served on November 26, 2018, more  
20 than thirty days before this action was removed. Because “[t]he receipt of service of  
21 summons and the complaint initiates the running of the 30-day period in which to file  
22 notice of removal,” defendant’s notice of removal appears to be untimely. Pacuska v.  
23 Allied Van Lines, Inc., C05-5830FDB, 2006 WL 521596 at \*4 (W.D. Wash. Mar. 2,  
24 2006). See also Alderson v. Delta Air Lines, Inc., C18-1374JLR, 2018 WL 5240811 at  
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1 \*2-3 (Oct. 22, 2018).<sup>1</sup>

2 Defendant is hereby ORDERED TO SHOW CAUSE on or before January 11,  
3 2019, why the Court should not find the removal of this action untimely and remand it to  
4 state court. The Clerk of the Court is directed to note this order to show cause on the  
5 Court's calendar for January 11, 2019.

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7 Dated this 4th day of January, 2019.

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9 Robert S. Lasnik  
United States District Judge

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<sup>1</sup> Under Washington law, “[a]n action is commenced when a complaint is filed or the  
25 summons is served, whichever occurs first.” Blankenship v. Kaldor, 114 Wn. App. 312, 316  
26 (2001) (internal quotation marks omitted).